IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13138 of 2004

Between:

1 Mohd. Ghouse Mohiuddin s/o Mohd Shareef Saheb
Permanent Addrss: 4/47,Govt. High School Road, Gudur, Presently camp at 12-2-790/111, Ayodhya Nagar Colony,
First Floor, Mehdipatnam, Hyderabad -28
2 Shaik Hyder S/o S.Syed Saheb,
Punganur Town.
3 Hafeez Moulana Javid Ail Hussain S/o Modh, Yousuf Ali
Medak District.
4 Mohd. Zaheeruddin @Jeelani S/o Late Khadar Vail
Door No.15-6-37, Ramakrishna Rao Peta Ramayya Veedhi, Kakindada, East Godavari District
5 Bake Habeebulla S/o Late B.Mahaoob Saheb
Anantapur Town Anantapur District
6 Shaik Vail@Sardar S/o Mohammed Rasool
Pedana Town, Krishna District
7 Mohd. Rais Ahmed S/o Nisaf Ahmed
Mandal Parishad President, Sripur Town and Mandal, Adilabad District

..... PETITIONERS

AND

1 State of Andhra Pradesh, Represented by its Principal Secretary, Minorities Welfare (WAKF.I) Department, Secretariat, Hyderabad
2 The Commissioner of Police and Executive officer and Ex-officio Member Secretary and Convenor, AP. State Haj Committee Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari

calling for the records from the 1st Respondent relating to the G.O.Ms.No.17, Minorities Welfare (Wakf.I) Department dt. 21/07/2004, and quash the same after declaring it as illegal, arbitrary, violative of principles of natural justice, null and void,

Counsel for the Petitioner:MR.A.JAYAWANTRAJ

Counsel for the Respondents: GP FOR SOCIAL WELFARE

At the admission stage, the Court made the following :

ORDER:

The first petitioner herein is the chair-person of the Haj Committee. The petitioners Nos. 2 to 7 are the members of the said committee.

This writ petition is filed challenging the impugned order dated 21.07.2004, issued by the first respondent, whereunder, the chair-person and all the nominated members of the A.P.State Haj Committee were removed with immediate effect.

When the matter was taken up for consideration on 29.07.2004, it was represented by the learned counsel appearing for both the parties that the order impugned is the subject matter of W.P.13188 of 2004, which is filed by one of the members, who was also removed under the same order. Now, it is represented by the counsel for both the parties that the said writ petition has been allowed by the Division Bench on the

ground that there was no prior notice to the petitioner therein and the impugned order is set aside, so far as the petitioner therein.

In this writ petition also, the main grievance of the petitioners is that the impugned order, was not preceded by any notice and therefore the same is arbitrary, illegal and in violation of the principles of natural justice. The said plea of the petitioner that there was no prior notice is not disputed by the learned Government Pleader appearing for the respondents.

Accordingly, following the order of the Division Bench in W.P.No.13188 of 2004, the writ petition is allowed and the impugned G.O.Ms.No.17, Minorities Welfare (Wakf.I) Department, dated 21.07.2004, is set aside so far as the petitioners herein are concerned. However, it is made clear that this shall not preclude the respondents to initiate fresh proceedings following due process of Law. No order as to costs.

_____

06-08-2004

Jsu

Witness the Hon'ble Sri Devider Gupta, the Chief Justice on this Friday, the Sixth Day of August, Two Thousand and Four.

Assistant Registrar

To

1 The Principal Secretary, State of Andhra Pradesh, Minorities Welfare (WAKF.I) Department, Secretariat, Hyderabad
2 The Commissioner of Police and Executive officer and Ex-officio Member Secretary and Convenor, AP. State Haj Committee Hyderabad

3 2CCs to the Government Pleader for Social Welfare, High Court Buildings

Hyderabad. (OUT).

4 2CD copies